

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THOMAS J. BARTELHO,	:	CIVIL ACTION NO. 3:18-CV-336
	:	
Petitioner	:	(Chief Judge Conner)
	:	
v.	:	
	:	
WARDEN DAVID EBBERT,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 29th day of April, 2019, upon consideration of the report (Doc. 9) of Magistrate Judge Martin C. Carlson, recommending that we deny the petition (Doc. 1) for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by petitioner Thomas J. Bartelho (“Bartelho”), wherein Judge Carlson opines that Campbell’s petition is both unexhausted and meritless, (see Doc. 9 at 4-18), and it appearing that no party has objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should afford “reasoned consideration” to the uncontested portions of the report, E.E.O.C. v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (quoting Henderson, 812 F.2d at 879), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following an

independent review of the record, the court being in agreement with Judge Carlson's recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 9) of Magistrate Judge Carlson is ADOPTED.
2. Bartelho's petition (Doc. 1) for writ of habeas corpus is DENIED.
3. The court finds no basis to issue a certificate of appealability. See 28 U.S.C. § 2253(c); see also 28 U.S.C. § 2254 Rule 11(a).
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania